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Spy Influx in U.S. Cited in Request To Beef Up FBI

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A secret FBI request for more counterintelligence agents, though blocked on Capitol Hill, has touched off a sharp debate over the dangers of an alleged Soviet bloc spy influx into the United States.

At closed budget authorization hearings this year, FBI officials told the House Intelligence Committee that there were more suspected Soviet, KGB and East European intelligence officers coming into this country on temporary visas than the bureau could possibly watch without beefing up its counterintelligence division.

The FBI's friends in Congress charge that State Department permissiveness is to blame for the influx. The debate is strikingly reminiscent of the internal security furor of the early 1950s.

Both the House and the Senate Intelligence Committees turned down the FBI's request to hire about 125 more counterintelligence agents to step up surveillance activities. Rep. Bill D. Burlison, (D-Mo.) devised a compromise that proved even more controversial.

It would make the two intelligence panels custodians of a new list supplied by the attorney general. On it would go the names of all aliens temporarily admitted to the United States in the coming fiscal year despite advice by the FBI that they should have been kept out as security risks.

House conservatives such as John M. Ashbrook (R-Ohio) say the influx is distressing and blame it on the travel relaxations fostered by the Helsinki accords and legislation adopted last year under the sponsorship of Sen. George McGovern (D-S.D.).

"This has opened the floodgates to communists, terrorists, espionage agents and other security problems," Ashbrook maintains. "I would say they have let scores of [such] people in."

House liberals argue against keeping lists of supposed security risks. Rep. Ted Weiss (D-N.Y.) contended it would represent "the first step backward toward the creation of a Committee on Internal Security"—better known in its list-building heyday as the House Un-American Activities Committee.

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Legally, the debate boils down to a never-settled controversy over the so-called "security provisions" of the Immigration and Nationality Act—better known as the McCarran-Walter Act when it was passed over President Truman's veto in 1952—and how strictly those provisions should be applied.

According to figures supplied by the FBI, the bureau has lost almost every time in the past several years when it recommended that a foreign visitor be kept out of the United States on the grounds that he or she was likely to engage in espionage or other forbidden activities vaguely described by two particular provisions of the McCarran-Walter Act.

In 1976, according to the rundown, the FBI's recommendations for exclusion of a temporary visitor were overruled (or ignored) 87 percent of the time; in 1977, they were overruled 99 percent of the time, and in the first quarter of 1978, they were overruled 100 percent of the time.

"The people at State probably say the FBI's seeing a lot of bogymen, but if they can move that easily into the country, it gets to be a frustrating thing after a while," says a Justice Department source.

"They're talking about the kind of people who steal secrets," says another department source. "The problem is not that they inevitably will do that, but when you've got an intelligence officer in your midst, the FBI feels they ought to know what they're doing, who they're seeing."

The number of individuals admitted over FBI objections is said to be classified, but according to several sources it comes to between 100 and 150 people a year, primarily from Soviet bloc nations.

"There are many more American ports [a total of 40] open to ships and crewmen from Russia and Warsaw Pact nations," Burlison said.

There also seems to be an inordinate number of so-called students in their 30s and 40s coming in. A great deal of concern has been expressed publicly and privately. "We just want to keep current on it."

On the other hand, as State Department officials point out, the "security provisions" of immigration law are far from precise. And the intelligence information on which decisions are based is often inconclusive.

Say there's an Ivan Ivanov who was reported to be a KGB agent in Timbuktu in 1959—and an Ivan Ivanov who is applying to come to the United States," says a State Department visa expert. "Is it the same Ivan Ivanov? Was he really a KGB agent in Timbuktu in 1959? Some of the intelligence we have is ancient history. If

comes in all shadings and gradations."

The issue first came up this year when the FBI asked the House and Senate intelligence panels for 125 more counterintelligence personnel on the grounds that the bureau had more spies to watch, some presumably around the clock. Unpersuaded, the Senate committee turned down the request with the understanding that the bureau could try again later if it came up with more convincing evidence.

Burlison, chairman of the House Intelligence subcommittee on budget authorization, hit on another alternative: requiring the attorney general to inform the Senate and House intelligence panels of the admission of each alien whom the attorney general knows or has reason to believe "is an excludable alien under the terms of Section 212 (a) (27), (28) or (29) of the Immigration and Nationality Act."

Unfortunately, Carter administration officials say, the issue was clouded by the House debate, which focused heavily on Section 22, a so-called "membership" provision that permits the denial of visas to anarchists, communists and others. The attorney general can waive those restrictions and thousand of waivers are granted each year, some under the provisions of the McGovern amendment.

Adopted last August in "the spirit of Helsinki," the amendment requires the secretary of state to recommend Justice Department approval of a temporary visa for any foreigner whose only shortcoming is "membership in or affiliation with a proscribed organization."

The attorney general can still refuse to grant the waiver. According to the Immigration and Naturalization Service, which acts for the attorney general in such matters, the amendment has had only a modest impact and its implementation has yet to stir a single objection from the FBI.

The real fuss is over the other two sections, Nos. 27 and 29. One calls for the rejection of any foreigner known or reasonably believed to be coming to the United States "to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States."

The other provision requires exclusion of any visitor who "probably would, after entry, engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in any other activity subversive to the national security."

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